

REMARKS

Applicant believes that the amendments to the claims as well as the comments that follow will convince the Examiner that the rejections provided in the November 16, 2006 Final Office Action have been overcome and should be withdrawn. Applicant has amended claims 33, 35, 39, 50-51, 54, and 65. Applicant has cancelled claims 40 and 55. Applicant has added new claims 68-70. Applicant submits that each of the changes is supported by the specification in the disclosure and in the drawings; no new matter has been added.

The Examiner has indicated that claims 43, 58, 66, and 67 have been withdrawn from consideration. Applicant believes the Examiner to be in error in this regard and respectfully submits that claims 43, 58, 66, and 67 are still offered for examination. Thus, claims 33-37, 39, 41, 43, 50-51, 53-54, 58, 63-70 remain for consideration.

I. THE EXAMINER'S REJECTIONS

The Examiner rejected claims 39 and 54 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states, “[i]t is unclear from the disclosure what element is being referred to as the ‘seat containing means for attaching and detaching the fittings.’” (Final Office Action dated November 16, 2006, p. 2).

The Examiner also rejected claims 33-37, 39-40, 43, 50-51, 54-55 and 65 under 35 U.S.C. § 102(b) as being anticipated by Greier, et al., U.S. Patent No. 3,165,356 (hereinafter “Greier”). In the opinion of the Examiner, “Greier shows a plurality of fittings at 47, 44 for flexible elements 43.”

Lastly, the Examiner rejected claims 33-37, 39, 40-41, 50-51, 53-55 and 63-65 under 35 U.S.C. § 103(a) as being unpatentable over Davis, U.S. Patent No. 4,667,773 (hereinafter “Davis”) in view of Morris, U.S. Patent No. 3,321,780 (hereinafter “Morris”). According to the Examiner, “Davis shows the claimed seat with the exception of the plurality of fittings and flexible elements” and “Morris shows of fittings 21, 26 for attaching flexible elements 27 of as flexible body support to a U-shaped (14) portion of a support frame.”

II. THE EXAMINER’S REJECTIONS SHOULD BE WITHDRAWN

The Examiner rejected claims 39 and 54 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 39 and 54 have been amended to broaden the claims, rendering the 35 U.S.C. § 112 rejection moot.

The Examiner has maintained his rejection of applicant’s recliner seat to be used in conjunction with an existing tree stand support systems under 35 U.S.C. § 102(b) of claims 33-37, 39-40, 43, 50-51, 54-55 as being anticipated by Greier’s shock absorbing support and restraint means for use in space vehicles. Applicant respectfully disagrees that each and every element of the rejected claims are taught in Greier.

As amended herein, independent claims 33 and 50 each require that a “sling seat is suspended from its upper and lower corners and hangs below” a support frame. Greier does not teach these limitations. In fact, Greier discloses a configuration for its support seat and frame which is incompatible with the limitations of claims 33 and 50. In Greier, webbing is “attached around its periphery to a rigid framework in a manner whereby the webbing is held by the frame in a taut spread position.” (Greier, Col. 3, ll. 12-16). Greier

further teaches a divider bar (31) that when the webbing is “attached to the frame, the webbing is placed over the divider bar whereby it is slightly uplifted relative to the sides of the frame.” (Greier, Col. 4, ll. 26-28). Finally, Greier discloses a “loop of cable disposed along the periphery of the webbing...Provision of the cable permits a continuous attachment of the webbing to the frame and continuous support of the webbing along the periphery.” (Greier, Col. 4, ll. 38-44).

Thus, rather than being suspended from its corners and hanging below its support frame as required by each claim in the present invention, the support seat in Greier is: 1) attached around its entire periphery to the entire periphery of its frame; 2) is held taut; and 3) is uplifted relative to its frame. Accordingly, Greier cannot meet the “sling seat is suspended from its upper and lower corners and hangs below” limitation of claims 33 and 50.

For similar reasons, Greier does not anticipate new claim 70.

Further, Greier cannot be combined with another reference to meet this limitation and still meet its inventive objective. The support in Greier would be unable to protect the human body from large “G” forces if it utilized a sling seat suspended from a support frame at its upper and lower corners and which hangs below that support frame.

Furthermore, Applicant respectfully submits that Greier does not meet the limitations of dependant claims 68, 69, and 51. New dependent claim 68, which is dependent on independent claim 33, and amended dependent claim 51, which is dependent on independent claim 50, each require that a “sling seat can be positioned in a plurality of inclinations equal to the number of the plurality of notched members” on the lower part of the frame. Similarly, new dependant claim 69 requires “the number of said

plurality of fittings on a side of the lower member of said support frame equal a number of inclinations in which said sling seat can be positioned.”

Applicant respectfully submits that Greier does not anticipate this limitation. While Greier does disclose a means to adjust the angle at which a person’s legs are supported relative to the torso by pivotal connections at frame sections, (Greier, Col. 4, ll. 28-42), this adjustment of angle is not related in any way to a means of connecting the webbing to the frame. In fact, Greier does not disclose, suggest or contemplate any such relationship as required by the limitations of claims 68, 69, and 51.

For similar reasons, Greier does not anticipate new claim 70.

The examiner has also maintained his rejection of the invention as obvious under 35 U.S.C. § 103(a) over Davis in view of Morris.

Applicant agrees with the Examiner that Davis does not show a “plurality of fittings and flexible elements.” (November 16, 2006 Office Action at p.3). Accordingly, Applicant submits that Davis likewise does not disclose the “plurality of fittings and flexible elements” elements of claims 33 and 50 as modified in the present amendment such that the “sling seat is suspended from its upper and lower corners and hangs below” the support frame.

Applicant respectfully submits that Davis cannot be combined with Morris to render the present invention obvious because Morris, like Davis, does not disclose the “plurality of fittings and flexible elements” elements of claims 33 and 50 as modified in the present amendment such that the “sling seat is suspended from its upper and lower corners and hangs below” the support frame. Further, even if the Examiner were to find that Morris discloses the claims limitations not found by the Examiner in Davis, that

there is no motivation, suggestion, or teaching in the cited references to be combined to meet the limitations of the amended claims of the present invention because Morris could not achieve its inventive objective if combined with Davis.

The hammock stand of Morris includes “a pair of elongated ground-engaging base portions or rails 10 and 11 which are preferably spaced apart...Formed at the head end of said stand are upwardly-converging leg members 12 and 13 which are interconnected by a cross bar 14, and formed at the foot end of the stand are upwardly-converging leg members 15, 16 having an inverted V-shaped upper connecting member 17.” (Morris, col. 3, ll., 5-17).

At no point does the hammock hang below the “ground-engaging base portions or rails 10 and 11” of the hammock stand disclosed by Morris. In fact, in order for the hammock in Morris to “hang below” its support frame members, either, 1) the hammock would have to be under ground, or 2) the stand would have to include additional, undisclosed members.

It could obviously not be the intention that the Morris hammock would hang below its “ground-engaging” support frame members.

Further, there could be no additional frame members in Morris from which the hammock could hang below, because such frame members would both increase the weight and manufacturing costs of the hammock frame, and also make the hammock extremely difficult and dangerous from which to get on and off.

Likewise, for similar reasons, Davis in view of Morris does not render new claim 70 obvious.

III. CONCLUSION

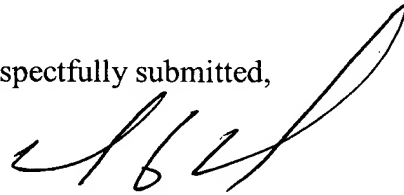
Applicant submits that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. Early and favorable action is accordingly solicited.

The Applicant respectfully requests a telephone interview with the Examiner to discuss this amendment at the Examiner's convenience.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same. This Amendment is being filed with a six months extension. In the event that any additional fee is required for the entry of this amendment the Commissioner is hereby authorized to charge said fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

Dated: May 16, 2007

Respectfully submitted,



Michael G. Gabriel
Reg. No. 54,107
WARD & OLIVO
708 Third Avenue
New York, New York 10017
(212) 697-6262